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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury

**08 CR 3367 L**

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
Plaintiff,	)	I N D I C T M E N T
v.	)	Title 18, U.S.C.,
TINA KAFKA,	)	Secs. 1030(a)(5)(A)(i) and
Defendant.	)	(c)(2)(B)(iii) - Intentionally
	)	Causing Damage to a Protected
	)	Computer

The grand jury charges that:

Count 1

At all relevant times:

1. Explorer Elementary Charter School (hereinafter "Explorer") was an elementary school located in San Diego, California.

2. Defendant TINA KAFKA was employed by Explorer as a teacher for the 2006-2007 school year.

3. Explorer's electronic mail service was Microsoft Outlook Web Access, which allows users to access their email accounts from any computer connected to the Internet using a standard web browser. Explorer employees were assigned individual email accounts each requiring a user name and a password for access.

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NAJ:em:San Diego  
9/26/08

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1       4. Beginning in or about December 2006 and continuing to and  
2 including on or about November 7, 2007, within the Southern District  
3 of California, defendant TINA KAFKA knowingly caused the transmission  
4 of a program, code and command and as a result of such conduct,  
5 intentionally caused "damage," as defined at Title 18, United States  
6 Code, Section 1030(e)(8), without authorization, to Explorer's  
7 computer system, a "protected computer" as defined at Title 18, United  
8 States Code, Section 1030(e)(2)(B), and caused loss, as defined at  
9 Title 18, United States Code, Section 1030(e)(11), to Explorer  
10 aggregating at least \$5,000 in value; to wit: defendant accessed  
11 without authority, the electronic mail accounts of at least sixteen  
12 (16) Explorer employees; attempted to forward mail from one account  
13 to a third party; and, deleted mail from an account; all in violation  
14 of Title 18, United States Code, Sections 1030(a)(5)(A)(i)  
15 and (c)(2)(B)(iii).

16       DATED: October 2, 2008.

17       A TRUE BILL:

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20       KAREN P. HEWITT  
21       United States Attorney



Foreperson

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23       By:   
24       NICOLE ACTON JONES  
25       Assistant U. S. Attorney

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